

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRAINWAVE SCIENCE, INC.,
Plaintiff,

-against-

ARSHEE INC., DR. LAWRENCE A.
FARWELL, DR. THIERRY MAISON and
BRAINWAVE FOUNDATION,
Defendants.

Declaration in Support of Motion to
Extend Time to Respond to Complaint

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ABUL KALAM AZAD, under pain and penalty of perjury, declares as follows:

1. I am the principal and owner of ARSHEE, INC. ("Arshee") a defendant in this action.
2. I make this Declaration in support of my attorney's request for an extension of time in which to answer, move or otherwise respond to the Complaint filed by Plaintiff

BRAINWAVE SCIENCE, INC.
3. Arshee was, to the best of my recollection, formed in New York in or around 2008.
4. I stopped doing business in New York in 2016.
5. In 2016, I formed Arshee, Inc. in the State of Washington.
6. The address I used to establish Arshee in New York was in Jamaica, Queens.
7. Since I stopped doing business in New York in 2016, I have had no contact with the occupants or owners of the location in Jamaica where Arshee was incorporated.
8. In or around July, 2021, I received cease and desist letters from Mr. Paul Tomkins, Esq. concerning certain technology to which his client claims to have proprietary rights.
9. No summons or complaint indicating that a lawsuit was commenced against me or Arshee were served upon me personally.

10. I was not provided with a copy of the summons and complaint through the New York Secretary of State who I understand was served with these documents on my behalf.
11. Not having my address in Washington State, the documents were likely forwarded to the Jamaica, New York address used to incorporate Arshee in 2008.
12. The documents were not forwarded to me in Washington State by any occupant of the address on file with the Secretary of State.
13. I was therefore unaware of this lawsuit until after the time to answer had expired.
14. When I learned of the lawsuit, I contacted the attorney for the other Defendants.
15. After discussing the matter with that attorney, I agreed that he could represent all Defendants in this action and that to the extent there might arise a conflict of interest, I would waive such conflict.
16. At no time did I attempt to evade service or avoid participating in this lawsuit.
17. I ask that the Court allow me to respond to the Complaint.
18. I believe I have several viable defenses to the claims against Arshee and would respectfully ask that I be permitted to present those claims, including any that could be raised in response to the Complaint.

Dated: Shoreline, Washington
November 2, 2021



ABUL KALAM AZAD

The aforesaid statements are made under pain
and penalty of perjury.